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Debtors and Debtors in Possession*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re

EASTERDAY RANCHES, INC., et al.,¹

Debtors.

No. 21-00141-WLH11

**SECOND STIPULATION BY AND
BETWEEN DEBTOR EASTERDAY
FARMS AND MACK FINANCIAL
REGARDING MOTION FOR RELIEF
FROM STAY**

¹ The Debtors along with their case numbers are as follows: Easterday Ranches, Inc., (21-00141-WLH11) and Easterday Farms, a Washington general partnership (21-00176-WLH11).

SECOND STIPULATION BY AND BETWEEN
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Debtor Easterday Farms, a Washington General Partnership ("Farms") and Mack Financial Services, a division of VFS US LLC ("Mack Financial" and, together with Farms, the "Parties"), by and through their undersigned counsel of record, hereby enter into this second stipulation and agreed order (the "Second Stipulation"), pursuant to which the Parties stipulate and agree as follows:

WHEREAS, on April 21, 2021, Mack Financial filed its *Motion for Relief from Stay* (the "Motion" found at Docket No. 603), seeking, *inter alia*, relief from stay to obtain possession of certain equipment (the "Collateral").

WHEREAS, other than Farms, no party-in-interest responded to the Motion.

WHEREAS, on May 10, 2021, the Parties entered into a Stipulation by and between Debtor Easterday Farms and Mack Financial Regarding Motion for Relief from Stay (the "First Stipulation" found at Docket No. 686).

WHEREAS, on June 16, 2021, the court entered an agreed order authorizing Farms to make certain adequate protection payments to Mack Financial (Docket No. 820).

WHEREAS, Farms no longer requires use of the equipment over which the Motion seeks relief from stay.

Based on the foregoing recitals, the Parties hereby stipulate and agree as follows:

1. Upon the court entering an order approving this Second Stipulation, Mack Financial shall be entitled to immediate relief from the automatic stay with respect to the Collateral covered by the Motion. Mack Financial shall arrange with Farms to take possession of the Collateral as soon as practicable.

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2. Upon taking possession of the collateral, Mack Financial waives any right to assert a deficiency or any other claim against either or both of the Debtors. Within 14 days of entry of an order approving this Second Stipulation, Mack Financial shall withdraw claims 62, 63, and 64 filed in the Easterday Ranches case.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD

DATED September 29, 2021 BUSH KORNFELD LLP

/s/ Thomas A. Buford

THOMAS A. BUFORD, III (WSBA 52969)

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JEFFREY W. DULBERG (Admitted *Pro Hac Vice*)

JASON H. ROSELL (Admitted *Pro Hac Vice*)

PACHULSKI STANG ZIEHL & JONES LLP

Attorneys for the Debtor

DATED September 29, 2021 GORDON REES SCULLY MANSUKHANI, LLP

/s/ KENT CARTER

KENT CARTER (Admitted *Pro Hac Vice*)

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Attorneys for Mack Financial